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November 17, 2010

Via ECF

Hon. Brian M. Cogan
United States District Judge
U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. John Franzese
08 CR 240 (BMC)

Dear Judge Cogan:

On behalf of defendant Franzese, this letter requests a five-day extension of time, from November 18 until November 23, 2010, to submit any objections to the PSR respecting defendant Franzese. The basis for the requested extension is that I have two lengthy briefs (about 40 pages each) due for filing in separate appeals in the Second Circuit. One brief, in *United States v. Sleiman*, No. 10-1865,¹ is due today; the other brief, in *United States v. Simmons*, No. 10-1526, is due tomorrow. Earlier this week I thought I would have sufficient time to complete a submission on Mr. Franzese's behalf. I now realize that is impossible.

The brief extension of time would not prejudice the Probation Office because it would still afford it more than the usual amount of time under Rule 32 to respond to any objections. I also do not believe it would prejudice the government, which would have more than three weeks between November 23 and sentencing. Yesterday afternoon I emailed the prosecutors to alert them that I would be making this request of the Court. I have not heard back.

¹ I have moved for a two-day extension of time in *Sleiman*, until November 19, because my printers have not yet completed the appendix on the appeal, which is about 1,500 pages long. The Court has not yet ruled on the motion. I am not seeking an extension of time in *Simmons*.

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Thank you for the Court's consideration of this request.

Respectfully submitted,

Richard B. Lind

cc: All Counsel (by ECF)